

Application Serial No.: 10/767,427

### REMARKS

A Notice of Drawing Inconsistency with Specification dated April 28, 2006 (hereinafter "the Notice") was issued by the Office of Patent Publication/Publishing Division of the United States Patent and Trademark Office (hereinafter "the Patent Office"). In the Notice, the Patent Office asserts that there is an inconsistency between the formal drawings and the specification in relation to Figure 8 and/or Figures 8A and 8B.

In response to the Notice, applicants submit the instant Post-Allowance Amendment under 37 C.F.R. 1.312. This submission amends the specification at page 17 to delete two paragraphs that purport to describe Figures 8A and 8B. Applicants have discovered, however, that the instant application, similar to the case with the underlying provisional application upon which it claims priority (U.S. Patent Application Serial No. 60/443,298, filed January 28, 2003, entitled "Methods, Systems, and Devices for Evaluation of Thermal Treatment"), was filed only with a single Figure 8 and not with Figures 8A and 8B. As such, applicants respectfully submit that the reference to Figures 8A and 8B in the instant specification was unintended.

With respect to Figure 8, the specification makes reference on page 40 to a single Figure 8. Applicants have amended the Brief Description of the Drawings section of the specification at page 17 to include a description of Figure 8 that is consistent with the description of Figure 8 found on page 40. Thus, support for the amendment to the specification can be found in Figure 8 as filed in view of page 40, lines 14-26. Accordingly, no new matter has been added by the instant amendment to the specification.

As a result of the instant Amendment, applicants respectfully submit that the inconsistency referred to in the Notice has been rectified. As a result, applicants respectfully request that the instant Amendment be entered into the record and that the application pass to issuance.

Application Serial No.: 10/767,427

### CONCLUSION

In light of the above Amendment and Remarks it is respectfully submitted that the present application is now in proper condition for issuance, and such action is earnestly solicited.

If any minor issues should remain outstanding after the Patent Office has had an opportunity to study the Amendment and Remarks, it is respectfully requested that the Patent Office telephone the undersigned attorney so that all such matters may be resolved and the application pass to issuance without the necessity for another Action and/or Amendment.

### DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any deficiencies of payment or credit any overpayments associated with the filing of this Post-Allowance Amendment to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: 05/05/2006

By: Arles A. Taylor, Jr.  
Arles A. Taylor, Jr.  
Registration No. 39,395

AAT/\_CPP

Customer No: 25297